

STATE OF ALABAMA     )  
                                      )  
COUNTY OF HOUSTON    )

**AFFIDAVIT OF ROSE EVANS-GORDON**

1. My name is Rose Evans-Gordon. I am over the age of nineteen years. This Affidavit is based on my personal knowledge and my review of records kept in the normal course of business by the City of Dothan.

2. I am employed by the City of Dothan as Municipal Court Judge. In addition to presiding over Municipal Court for the City of Dothan, I am Department Head of the Judicial Department of the City of Dothan, which includes the Court Administrator, an Administrative Assistant, a group of Magistrates, and clerk typists.

3. As a Department Head, I am also an Appointing Authority within the meaning of the Dothan Civil Service Act.

4. As a Department Head, I am ultimately responsible for implementing the City of Dothan Personnel Rules and Regulations, including supervising, evaluating, disciplining and discharging employees in the Judicial Department.

5. I did not initiate the Internal Affairs investigations pertaining to Theron Fondren's complaint of false arrest and the allegations by Bradley and Stephen Phelps of ticket irregularities. Mr. Fondren filed a claim against the City. To my knowledge, the City Attorney's office initiated the investigation regarding Mr. Fondren's arrest. When Bradley Phelps, a defendant in Municipal Court, raised the issue of ticket irregularities

by Magistrate Mary Turner, I notified the Personnel Director and the Acting Chief of Police based on the seriousness of the charges. I also contacted and consulted with the City Attorney's office. Thereafter, an Internal Affairs investigation was conducted into this matter, which resulted in three separate investigations.

6. I received and reviewed all four of the Internal Affairs investigations referred to above. They are attached as Exhibits A (Fondren); B (Bradley Phelps); C (Stephen Phelps); and D (Release of Information). I also received an Internal Affairs investigation, attached as Exhibit E, pertaining to comments allegedly made by Mary Beth Brackin to Kimberly Rapelje, a defendant, about her Public Defender.

7. All directives or instructions given by me to employees reporting to me, including directives not to comment on the City's liability; cooperating with Internal Affairs investigations; and not to contact Mary Turner while a Police Investigation was pending, were done pursuant to my duties as Department Head for the City and were within the authority delegated to me by the City. I was acting within the scope of my discretionary authority in communicating these directives. Likewise, I was acting within the scope of my discretionary authority in approving and/or recommending the disciplines and termination administered to Mary Beth Brackin and recommending the termination of Nancy Martin.

8. Mary Beth Brackin's race was not a factor in my decision to discipline or terminate her employment.

9. Nancy Martin's race was not a factor in my decision to terminate her employment.

10. Any comments Nancy Martin may have made about Get Out Bonding Company was not a factor in my decision to terminate her employment.

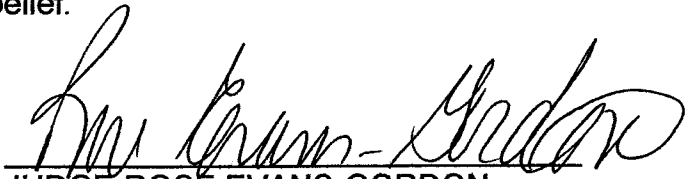
11. While Nancy Martin was employed, I was not aware of her making a complaint that I was discriminating against any employee because of their race or that my actions in the Magistrate's office were racially motivated.

12. I selected Michelle Sellers to replace Nancy Martin as Court Administrator. Michelle Sellers is Caucasian.

13. I selected Melanie Walsh to replace Mary Beth Brackin. Melanie Walsh is Caucasian.

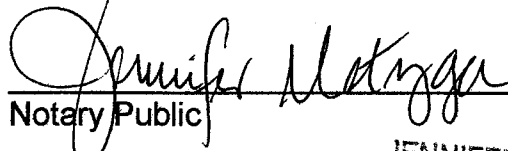
14. I selected Mary Beth Brackin to be a Magistrate in 2001. I hired Nancy Martin as Court Administrator.

I have read the foregoing affidavit and I swear and affirm under penalty of perjury that it is true to the best of my knowledge and belief.

  
JUDGE ROSE EVANS-GORDON

STATE OF ALABAMA     )  
                                      )  
COUNTY OF HOUSTON    )

Sworn to and subscribed before me this 13<sup>th</sup> day of November, 2007.

  
Notary Public

JENNIFER METZGER  
My commission expires: ~~Notary Public, AL State at Large~~  
My Comm. Expires Aug. 23, 2008